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Attorney for
Dung Dinh

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUNG DINH,

Defendant.

Case No. 4:23-mj-71264-MAG-2

**STIPULATION AND ORDER TO
CONTINUE STATUS ON PRELIMINARY
HEARING OR ARRAIGNMENT**

The above-captioned case is scheduled for a status regarding preliminary hearing or arraignment on October 27, 2023, at 10:30 a.m. The parties stipulate and agree that the Court should continue this matter to January 8, 2024, at 10:30 a.m., for the reasons set forth below.

Dung Dinh made his initial appearance on a complaint on August 25, 2023. He was released from custody on the same date, and he has been in full compliance with the terms of his pretrial release. The government recently produced partial discovery in this matter and expects to

1 produce additional discovery in the coming weeks which includes large video and audio files. The
2 government has advised the defense that the discovery production will be voluminous. For this
3 reason, defense counsel needs time to review the discovery in this case, and the parties need
4 additional time to negotiate a possible information and plea agreement. As a result, the parties
5 stipulate and agree that the Court should continue this matter.
6

7 The parties further stipulate and agree to exclude time under the Speedy Trial Act until
8 January 8, 2024, because the ends of justice served by the continuance outweigh the best interest
9 of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A). The
10 parties further stipulate and agree that the failure to grant a continuance would unreasonably deny
11 the defendant the reasonable time necessary for effective preparation, taking into account the
12 exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
13

14 In addition, the parties agree to waive time under Federal Rule of Criminal Procedure 5.1,
15 from October 27, 2023, to January 8, 2024. For this reason and for the reasons set forth above, the
16 parties request that the Court find good cause for extending the time limit for a preliminary
17 hearing under Rule 5.1 and for extending the 30-day time period for an indictment under the
18 Speedy Trial Act as set forth above. See Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).
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20 Date: October 26, 2023

Respectfully submitted,

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23 _____/s/
24 KAREN MCCONVILLE
Attorney for Dung Dinh

25 ISMAIL J. RAMSEY
26 United States Attorney
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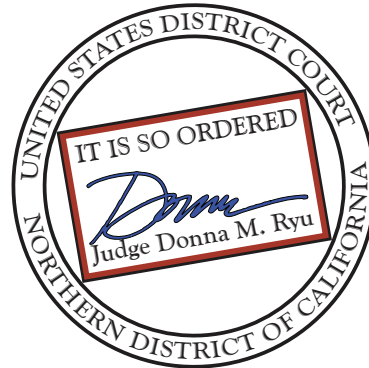
BENJAMIN K. KLEINMAN
Assistant United States Attorney

ORDER

For the reasons set forth above, the status regarding preliminary hearing or arraignment is continued from October 27, 2023, to January 8, 2024, at 10:30 a.m. It is further ordered that time is excluded, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), through January 8, 2024. Furthermore, considering the public interest in the prompt disposition of criminal cases, the preliminary hearing is continued based on the parties' showing of good cause to waive time under Federal Rule of Criminal Procedure 5.1. The Court finds good cause for extending the time limits for a preliminary hearing under Rule 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act. Accordingly, it is ordered the waiver of time under Rule 5.1 is effective from October 27, 2023 to January 8, 2024.

IT IS SO ORDERED.

DATED: October 26, 2023



HON. DONNA M. RYU
United States Chief Magistrate Judge